

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED
AUSBERTO DAVILA a/k/a "Berto"	:	VIOLATIONS:
WILLIAM MORALES a/k/a "Willie"	:	21 U.S.C. § 846 (Conspiracy
JANICE COLON	:	to distribute and to possess with
		intent to distribute heroin and cocaine
		- 1 count)
		21 U.S.C. § 841(a)(1)
		(Distribution of cocaine - 1 count)
		21 U.S.C. § 841(a)(1)
		(Possession with intent to distribute
		cocaine - 1 count)
		18 U.S.C. § 924(c)(1) (Possession of
		a firearm in furtherance of a
		drug trafficking felony - 1 count)
		21 U.S.C. § 841(a)(1) (Possession
		with intent to distribute heroin -
		1 count)
		21 U.S.C. § 856(a)(2) (Maintenance
		of location for storage and
		distribution of controlled substance -
		1 count)
		18 U.S.C. § 2 (Aiding and abetting)
		Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

From in or about July 2001 to on or about March 26, 2002, at Bethlehem, in the Eastern
District of Pennsylvania, defendants

AUSBERTO DAVILA, a/k/a "Berto,"
WILLIAM MORALES, a/k/a "Willie,"
and
JANICE COLON

conspired and agreed with each other, and others known and unknown to the grand jury, to knowingly and intentionally distribute and to possess with intent to distribute in excess of 1 kilogram of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and in excess of 500 grams of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1),(b)(1)(A) and (b)(1)(B).

MANNER AND MEANS

It was part of the conspiracy that:

1. Defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury were partners in distributing, during the time period of the conspiracy, approximately 4 ½ kilograms of heroin and between 3 ½ and 5 kilograms of cocaine in Bethlehem, PA.
2. Defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury employed a number of street sellers to distribute heroin and cocaine in the 1300 block of Eastwood Road in Bethlehem, PA.
3. Defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury charged the street sellers approximately \$80 per bundle of heroin, who, in turn, sold the heroin to customers for \$15 per bag. Each bundle contained 10 bags of heroin.
4. Defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury used different residences, including 505 W. Fourth Street in Bethlehem, PA, and 2160 Johnston Drive, Apartment #9, in Bethlehem, PA, as a base of operations for storing drug paraphernalia, and for storing and packaging heroin and cocaine to be sold to

customers on the 1300 block of Eastwood Road in Bethlehem, PA.

5. Defendants AUSBERTO DAVILA and WILLIAM MORALES paid cash to defendant JANICE COLON in exchange for making 2160 Johnston Drive, Apartment #9, in Bethlehem, PA available to store and package heroin and cocaine.

6. Defendants AUSBERTO DAVILA and WILLIAM MORALES possessed a loaded Colt King Cobra .357 revolver, serial no. KK 3488, to protect their drug operation at 2160 Johnston Drive, Apartment #9, in Bethlehem, PA.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objective, the following overt acts, among others, were performed in Bethlehem, Pennsylvania, within the Eastern District of Pennsylvania, and elsewhere:

1. In or about September 2001, defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury stored and packaged heroin at 505 W. Fourth Street in Bethlehem, PA for later distribution. Defendants WILLIAM MORALES and JANICE COLON resided at 505 W. Fourth Street in Bethlehem, PA.

2. On or about September 13, 2001, defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury possessed approximately 61 grams of heroin at 505 W. Fourth Street in Bethlehem, PA.

3. From in or about July 2001 to in or about March 2002, defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury provided bundles of heroin to a number of street dealers, whose names are known and unknown to the grand jury, in exchange for approximately \$80 per bundle.

4. From in or about July 2001 to in or about March 2002, these street dealers sold the above-described heroin to customers in the 1300 block of Eastwood Road in Bethlehem, PA.

5. On or about November 30, 2001, defendant WILLIAM MORALES provided approximately ten plastic bags of heroin to an undercover Bethlehem police officer in exchange for \$100.

6 On or about December 27, 2001, defendant JANICE COLON signed a lease to rent Apartment #9 at 2160 Johnston Drive in Bethlehem, PA. Defendant JANICE COLON lived there with defendant WILLIAM MORALES.

7. From on or about January 1, 2002 to on or about March 26, 2002, defendants AUSBERTO DAVILA and WILLIAM MORALES and a person known to the grand jury stored and packaged heroin and cocaine at 2160 Johnston Drive, Apartment #9, in Bethlehem, PA.

8. From in or about January 2002 through in or about March 2002, defendant JANICE COLON received cash payments from defendants AUSBERTO DAVILA and WILLIAM MORALES for allowing heroin and cocaine to be stored and packaged at 2160 Johnston Drive, Apartment #9, in Bethlehem, PA.

9 On or about March 26, 2002, defendants AUSBERTO DAVILA and WILLIAM MORALES possessed and stored in excess of 500 grams of cocaine at 2160 Johnston Drive, Apartment #9, in Bethlehem, PA.

10. On or about March 26, 2002, defendant JANICE COLON provided defendant AUSBERTO DAVILA with a key, which she had been given by defendant WILLIAM MORALES, to unlock the black bag containing a quantity of cocaine which had been stored at

2160 Johnston Drive, Apartment #9, in Bethlehem, PA.

11. On or about March 26, 2002, defendant AUSBERTO DAVILA distributed approximately 28 grams of cocaine to a cooperating individual at 2160 Johnston Drive, Apartment #9, in Bethlehem, PA.

12. On or about March 26, 2002, defendants AUSBERTO DAVILA and WILLIAM MORALES possessed and maintained a loaded Colt King Cobra .357 revolver, serial no. KK 3488, inside the black bag containing the cocaine at 2160 Johnston Drive, Apartment #9, in Bethlehem, PA.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 26, 2002, at Bethlehem, in the Eastern District of Pennsylvania,
defendant

AUSBERTO DAVILA, a/k/a “Berto,”
and
JANICE COLON

knowingly and intentionally distributed, and aided and abetted in the distribution of, a mixture or
substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and Title
18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 26, 2002, at Bethlehem, in the Eastern District of Pennsylvania,
defendants

AUSBERTO DAVILA, a/k/a "Berto,"
and
WILLIAM MORALES, a/k/a "Willie,"

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the possession with intent to distribute of, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841 (a)(1) and (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 26, 2002, at Bethlehem, in the Eastern District of Pennsylvania,
defendants

AUSBERTO DAVILA, a/k/a “Berto,”
and
WILLIAM MORALES, a/k/a “Willie,”

knowingly possessed a firearm, that is, a loaded Colt King Cobra .357 handgun, in furtherance of
a drug trafficking crime for which each may be prosecuted in a court of the United States, that is,
possession with intent to distribute cocaine, in violation of Title 21, United States Code, Section
841(a)(1), as charged in Count Three of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 13, 2001, at Bethlehem, in the Eastern District of Pennsylvania,
defendants

AUSBERTO DAVILA, a/k/a "Berto,"
and
WILLIAM MORALES, a/k/a "Willie,"

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the
possession with intent to distribute of, a mixture or substance containing a detectable amount of
heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), and Title
18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

From on or about January 1, 2002 through on or about March 26, 2002, at Bethlehem, in the Eastern District of Pennsylvania, defendant

JANICE COLON

managed and controlled Apartment #9, 2160 Johnston Street, in Bethlehem, Pennsylvania, as an owner, lessee, agent, employee, and mortgagee, and knowingly and intentionally made it available for use for the purpose of unlawfully storing and distributing heroin, a Schedule I controlled substance, and cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 856(a)(2).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841 set forth in Counts One, Two, Three and Five of this Indictment, defendants

AUSBERTO DAVILA, a/k/a "Berto,"
WILLIAM MORALES, a/k/a "Willie,"
and
JANICE COLON

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code, Sections 846 and 841, as charged in this Indictment, including but not limited to:

- (1) a Colt King Cobra .357 handgun, bearing serial number KK 3488; and
- (2) six (6) rounds of .357 ammunition;

(b) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code, Sections 846 and 841, as charged in this Indictment.

2. If any property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any property of said defendants, up to the value of said property listed above as being subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney